

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TRAVIS GLENN,

PLAINTIFF,

v.

TRIDENT SEAFOOD COMPANY,

DEFENDANT

**STIPULATED MOTION AND
PROPOSED ORDER
AMENDING COMPLAINT**

CASE NO: 2:20-cv-01583-MJP

**NOTE ON MOTION CALENDAR:
March 31, 2021**

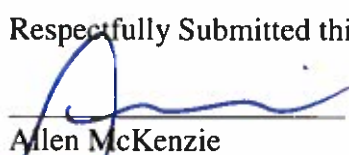
STIPULATED MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and Local Civil Rule 7(d)(1), Plaintiff Travis Glenn by and through undersigned counsel respectfully requests that the Court grant leave to file an Amended Complaint. A copy of the proposed Amended Complaint striking the text to be deleted and underlining the text to be added is attached hereto, as required by Local Civil Rule 15. A courtesy copy of the proposed Amended Complaint without legal blackline is also attached. Counsel for the Defendant has consented to the proposed Amended Complaint in writing. Stipulated motions shall be noted for consideration for the day they are filed. LCR 7(d)(1).

1 Plaintiff Travis Glenn filed the original Complaint in this matter pro se on October 27,
 2 2020. The Court granted Plaintiff's motion to appoint undersigned counsel on December 7,
 3 2020, and the undersigned filed a Notice of Appearance on December 15, 2020. Counsel for the
 4 Plaintiff and for the Defendant met and conferred, then filed a Combined Joint Status Report and
 5 Discovery Plan on January 19, 2021, which indicated that the Plaintiff anticipates moving the
 6 Court for leave to amend the Complaint. On February 22, 2021, the Court issued an Order
 7 Setting Trial Date & Related Dates, including an April 1 deadline for filing amended pleadings.

8 Rule 15(a)(2) provides that a party may amend its pleading if the opposing party consents
 9 to the amendment in writing, or with the Court's leave. The Court "should freely give leave
 10 when justice so requires." *Id.* The opposing party in this case has reviewed the proposed
 11 Amended Complaint and consents to the amendment in writing, as indicated by counsel's
 12 signature below.

13 Respectfully Submitted this 31 day of March, 2021,

14 
 15 Allen McKenzie
 16 *Attorney for the Plaintiff*

17 Agreed as to content and form:

18 /s/ Kathryn Childers
 19 Kathryn Childers
 20 *Attorney for the Defendant*

21 Date: 03/31/2021

22 **IT IS SO ORDERED**

23 Dated March 31, 2021.



Marsha J. Pechman
United States Senior District Judge

IN THE

UNITED STATES DISTRICT COURT

IN THE WESTERN DISTRICT OF WASHINGTON STATE

AT SEATTLE

TRAVIS GLENN

PLAINTIFF

VS.

v.

TRIDENT SEAFOOD COMPANY

DEFENDANT

CASE NO: 2:20-cv-01583-MJP

[PROPOSED] AMENDED COMPLAINT and

Jury Demand

COMPLAINT AT LAW AND IN EQUITY

AND

COMES NOW, ~~comes~~ the Plaintiff, Travis Glenn, by and through himself, *pro se*, to file the instant complaint and in support thereof avers as follows:

1. The Plaintiff initiates the instant litigation against the Defendant pursuant to their Employment rights as an employee of the Defendant and the various infringements of these rights over the course of various incidents of discrimination and unequal treatment resulting in the direct and proximate causation of damages to the Plaintiff who is consequently seeking relief in the instant matter with all evidence enclosed substantiating these claims herein.

2. The matter has already been processed through the Equal Employment Opportunities Commission (EEOC) who have provided the Plaintiff with a right-to-sue letter which the Plaintiff is undersigned Court-appointed counsel, hereby exercising inamends the instant matter.

3. The Plaintiff is seeking any and all applicable relief in the instant matter including compensatory and / or punitive damages as well as any and all applicable relief including but not limited to declaratory and / or injunctive relief.

JURISDICTION AND VENUE

4. Jurisdiction is proper Complaint he filed in this Court action pursuant to FRCP 15 and LCR 15. This Amended Complaint supersedes the original jurisdiction of this Court set forth in U.S.C. §§ 118, 1391 and Title VII of the Civil Rights Act of 1964. Plaintiff and Defendant are diverse. Complaint.

5. Venue is proper because although the Plaintiff alleges that the facts and circumstances giving rise to their causes of action occurred in Aleutians East Borough, Alaska, United States, 28 U.S.C. §§ Plaintiff is a resident of King County, Washington, 118, 1391. Defendant is also a subject to personal jurisdiction therein by virtue of their substantial, continuous, and systematic commercial activities in this district. See 28 U.S.C. § 1391(b), (c).

I. PARTIES, JURISDICTION AND VENUE

6. PLAINTIFF—1. Plaintiff Travis Milton Glenn—resident in the instant district with an address of is a Black male residing at 2708 Webber Court, Steilacoom, WA 98388.

7. DEFENDANT—2. Defendant Trident Seafoods, Inc., conducting is the largest seafood company in the United States. It is based in Seattle, Washington, and conducts business in the instant district with a headquarters addressed at 5303 Shilshole Ave. NW, WA, Seattle, WA 98107.

3. Jurisdiction is proper pursuant to 28 U.S.C. § 1331.

4. Venue is proper pursuant to 28 U.S.C. §§ 1391 (b)(1), (c)(2).

II. STATEMENT OF FACTS

81. The Plaintiff began ~~their~~his employment with Defendant Trident Seafoods in January 2019 as a Production Processor. Shortly thereafter, ~~they were~~he was promoted to a Timekeeper.

92. On July 4, 2019, the Plaintiff attended a work barbecue where Robert G. ~~Garcia~~Garcia, Shipping Manager, made comments to the Plaintiff such as “we try to keep people like you out”, and “we don’t want you people to take over”. The Plaintiff notified the Safety Manager, Shane Flamaino, about ~~the~~this disturbing interaction.

103. On July 6, 2019, the Plaintiff entered the recreation room attached to the dorms where several coworkers were spending their time. The Plaintiff was there briefly, left, and returned to find a yellow rope fashioned into a noose in the exact place where the Plaintiff had been sitting.

114. The Plaintiff immediately contacted the Housing Manager, Jose, and a Safety Manager, Adrian Silla, about the ~~incident~~noose, and the Plaintiff wrote a statement. The Plaintiff had not heard anything for a couple of days in response to this and decided to file a police report.

125. Both the noose incident and the barbecue incident constituted conduct that was unwelcome; that was because of the Plaintiff’s race; that affected the terms of the Plaintiff’s employment – especially considering the symbolism of nooses given their association with the frequent and horrific lynchings of Black men throughout American history - and also due to the fact that the noose was physically threatening and humiliating, and the placement on the Plaintiff’s seat was threatening. Plaintiff was the only black employee present in the break room when this occurred..

6. The Plaintiff complained to the Defendant about experiencing racially discriminatory treatment.

7. Having received the Plaintiff's complaints of racially discriminatory treatment, the Defendant failed to take reasonably prompt corrective action to address Plaintiff's legitimate concerns or to reinforce the message that such conduct will not be tolerated by Defendant.

8. The Defendant never informed the Plaintiff about any investigative steps taken, either with respect to the barbecue incident or with respect to the noose incident; nor did the Defendant inform the Plaintiff about the results of any such investigation; nor did the Plaintiff inform the Defendant what corrective measures, if any, were taken to address the incidents; nor did the Defendant express any concern about the Plaintiff's well-being following the above-referenced incidents.

9. Shortly thereafter after the noose incident, the Plaintiff was informed by a coworker that there was a group of ~~Ukrainian-facist~~ Ukrainian fascist individuals in the facility who had animus towards minorities (black people) and that the Plaintiff should be careful around the Shipping Manager on site, Mr. Garcia.

10. On or about July 24th 14, 2019, the Plaintiff was on called a "Sissy" numerous times in front of ~~his~~ co-workers by the Shipping Manager Robert ~~G~~Garcia. The Plaintiff wrote a complaint and no action was taken ~~by Defendant on Plaintiff's complaint.~~

11. On or around July 22nd 15, 2019, the Plaintiff was ~~demoted~~ removed from his timekeeper position and returned to processing seafood full-time, allegedly for missing one shift after ~~already~~ despite having requesting the day off due to the hostile work environment. The Plaintiff is aware of others having not been ~~demoted or even~~ disciplined for multiple incidents of tardiness or absenteeism which constitutes an act of unequal treatment of individuals similarly situated on

the basis of race *prima facie*. **The Plaintiff believes** ~~the demotion~~ this adverse employment action was in fact taken in retaliation for the written report he submitted the night prior about the harassment from the Shipping Manager Robert Garcia, and / or for speaking up in opposition to Robert Garcia's discriminatory comments at the July 4, 2019, barbecue, and / or for complaining about the July 6, 2019, noose incident.

12. The Plaintiff engaged in statutorily protected opposition activity; the Defendant knew or suspected that the Plaintiff had engaged in protected activity; an adverse action, i.e., a "tangible change in employment status" was taken; and the statutorily protected activity was a substantial factor in the Defendant's decision to take the adverse employment action.

13. The Plaintiff was doing satisfactory work prior to the change in employment status.

14. The Defendant deliberately made the working conditions intolerable for the Plaintiff.

15. A reasonable Black person in the Plaintiff's situation would have considered the Defendant's failure to investigate or to apprise the Plaintiff of the progress of any ongoing investigation into an incident as serious as the noose incident to be intolerable, and would have been forced to resign as a result.

16. A reasonable person in the Plaintiff's situation would find the complete lack of concern expressed by management for the Plaintiff's well-being following such an incident as harrowing as the noose incident to be to be intolerable, and would have been forced to resign as a result.

17. A reasonable person in the Plaintiff's situation would have considered retaliation for elevating his concerns about Robert Garcia's discriminatory and hostile treatment of him to be intolerable, and would have been forced to resign as a result. This is true because the working conditions deteriorated, as a result of discrimination, to the point they became sufficiently

egregious to overcome the normal motivation of any competent, diligent, and reasonable employee to remain on the job to earn a livelihood and to serve their employer.

18. 45. The Plaintiff had no other reason to want to leave the Defendant's employ other than the intolerable conditions he was experiencing.

19. The Plaintiff informed Laura Schmidt in Human Resource Resources of the issues shortly thereafter herein on or about July 21, 2019. Schmidt unilaterally purchased the Plaintiff a plane ticket home thereby implicating the termination of their employment the Plaintiff's employment and acknowledging the hostile work environment Plaintiff had been enduring. .

20. The Defendant was not justified in discharging the Plaintiff (constructively or otherwise)

21. The Plaintiff suffered damages as a result of the termination of his employment. These damages will be proven at the time of trial but shall include non-economic damages such as mental anguish, humiliation, loss of professional standing; and economic damages including back pay and benefits, loss of front pay and benefits.

22 46. July 23rd the day before the Plaintiff's departure. The Plaintiff was followed by two men into a bathroom at the local pub and grill on Trident property. The two men attacked the Plaintiff while yelling out racial slurs.

47. The Defendant's conduct reflected a reckless or callous indifference to the Defendant's protected rights. As such, Plaintiff is unaware of any response taken with regards of the complaints that were filed about the various incidents that have taken place.

shall also be entitled to 48. The Plaintiff avers that they were constructively discharged, the evidence of unequal treatment and negligence with regards to the maintenance of a workplace environment free of hazards and /or discriminatory treatment, as in this case, constitutes tortious conduct actionable in this Court of law specifically.

19. To wit, the Plaintiff demands compensatory damages and ~~punitive damages~~ in an amount to be determined in a trial by jury.

COUNT I

UNLAWFUL DISCRIMINATION IN THE WORKPLACE

PURSUANT TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

20. The Plaintiff hereby references and incorporates Paragraphs III. CAUSES OF ACTION 1 through 19 as if though fully set forth at length.

21. The Plaintiff points to four separate incidents in which racial motive was explicitly identified as the factor influencing the conduct engaged in to support their claims of unequal treatment in the workplace based on race—

(1) The specific quotes made by Robert G., Shipping Manager, to the Plaintiff such as “we try to keep people like you out”, and “we don’t want you people to take over”. Calling the Plaintiff “Sissy” numerous times in front of peers

(2) The placement of the noose in the seat where the Plaintiff was sitting in the room they were in prior to briefly leaving and returning to the same room

(3) The attack at the local pub and restaurant

(4) The various other acts and conduct engaged in resulting in the constructive termination of the Plaintiff without reason or alternative

22. Based on the aforementioned explicitly identifiable facts, the Plaintiff avers that enough evidence exists through their wrongful termination without basis and claims made herein to demonstrate a plausible case for unequal treatment on the basis of race in the workplace to which a jury can reasonably determine via a preponderance of the evidence that unequal treatment has

1 taken place in this workplace and that the Defendant organization had failed in their duties and
2 obligations to maintain an environment free from discrimination in such a blatant manner.

3 23. The Plaintiff points to the blatancy of the racism and hatred that is allowed to manifest itself
4 in this environment and workplace to support their request for a judgment via a preponderance of
5 the evidence in the instant matter. Witnesses to these matters include Witnesses to this include:
6 Jennifer Petty, Nina Samatailo, Andre Brown, Joseph Bison, Robert Gracia, Annabelle Magsino,
7 Shane Flaminio, Sand Point, Alaska Police Department

8 24. Consequently, the Plaintiff seeks any and all applicable relief including compensatory and
9 punitive damages as well as any and all other relief that may be deemed applicable.
10

11 COUNT II

12 GROSS NEGLIGENCE

13 25. The Plaintiff hereby references and incorporates Paragraphs 1 through 24 of Section II.,
14 supra, as if though fully set forth at length.

15 2. The Defendant subjected the Plaintiff to a racially discriminatory hostile work environment.
16

17 3. The Defendant retaliated against the Plaintiff for voicing his concerns that he was being
18 subjected to a racially discriminatory hostile work environment.

19 4. The Defendant wrongfully constructively discharged the Plaintiff.

20 5. The Plaintiff is entitled to payment from and judgment against Defendant under the
21 Washington Law Against Discrimination, RCW 49.60 *et seq.*

22 6. The Plaintiff is entitled to judgment against and payment from Defendant under Title VII of
23 the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) *et. seq.*
24
25

1 7. The Plaintiff is entitled to judgment against and payment from Defendant under 42 U.S.C. §
 2 1981.

3 IV. PRAYER FOR RELIEF

4 26. The Defendants had a duty to maintain a workplace environment free from discrimination
 5 throughout the period of the Plaintiff's employment, a duty that was obviously breached in the
 6 instant matter.

7 27. Specifically, the Defendant was notified in reports numerous times of statements made
 8 demonstrating a culture of inequality in the workplace, to the point of the placement of a noose
 9 in the seat of the Plaintiff which is inexcusable by all means to allow, and yet the Defendant
 10 intentionally chose not to act with this knowledge and information, and instead went further to
 11 terminate the Plaintiff constructively without basis as opposed to fulfilling their duties and
 12 obligations to maintain a workplace environment that is free from discrimination and racism.

13 28. Consequently, the Plaintiff is entitled to compensatory and punitive damages as prescribed
 14 by law if they are able to sustain a finding before a jury via preponderance of the evidence that
 15 the Defendant's breached their obligations and duties in this regard.

16 29. Should a finding of gross negligence be found in their favor in a trial by jury, the Plaintiff
 17 would then be entitled to any and all compensatory and / or punitive damages found by the jury
 18 with regards to the facts and matters claimed herein.

19 COUNT III

20 WRONGFUL TERMINATION OF EMPLOYMENT

21 30. The Plaintiff hereby references and incorporates Paragraphs 1 through 29 as if though fully
 22 set forth at length.
 23
 24
 25

1 31. The Plaintiff points to the various unanswered acts of unequal treatment in the workplace
2 environment to support their claims that they were constructively terminated without just cause.

3 32. The Plaintiff points further to the lack of discipline of other non-minority employees for the
4 same minor infractions that the Plaintiff is held accountable to to substantiate their claim that
5 they were constructively terminated without cause.

6 33. Even further, the Plaintiff points to the lack of just cause provided for their termination to
7 substantiate their claims that they were wrongfully terminated without cause.

8 34. Consequently, the Plaintiff is seeking any and all necessary and applicable relief.

9 WHEREFORE, the Plaintiff prays for relief as follows:

10 1. Back pay and benefits in an amount to be proven at time of trial.

11 2. Front pay and benefits in an amount to be proven at time of trial.

12 3. Damages for non-economic items including, but not limited to, emotional distress,
13 humiliation, mental anguish, and loss of professional standing to be proven at the time of trial.

14 4. Punitive damages, to be determined by the jury.

15 5. Prejudgment interest in an amount to be proven at time of trial.

16 6. An amount to offset the adverse tax consequences of receiving a lump sum award.

17 7. Costs and reasonable attorney's fees as allowed by the Washington Law Against
18 Discrimination and 42 U.S.C. § 1988, including expert witness fees.

19 8. For injunctive and equitable relief as the Court may determine to address the discriminatory
20 conditions at Trident Seafoods.

21 9. That these pleadings be deemed to comport with the proof presented at the time of trial and
22 developed through discovery.

23 10. For such other relief as the Court deems just and equitable.
24
25

V. JURY TRIAL DEMANDED

~~35~~1. The Plaintiff hereby demands a trial by jury with regards to all matters contested herein.

PRAYER FOR RELIEF

~~WHEREFORE~~, the Plaintiff prays that this Honorable Court enter judgment against the Defendant as follows:

~~(1) DECLARATORY JUDGMENT~~ in favor of the Plaintiff in the amount of 50 million dollars.

~~(2) COMPENSATORY DAMAGES~~ in an amount to be determined in a trial by jury.

~~(3) PUNITIVE DAMAGES~~ in an amount to be determined in a trial by jury.

1 DATED: October 15, 2020 Respectfully Submitted this _____ day of _____
2 2021,
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

21 **IN THE UNITED STATES DISTRICT COURT**
22 **IN THE WESTERN DISTRICT OF WASHINGTON STATE**
23

24 **TRAVIS GLENN** _____;
25 **PLAINTIFF** _____;

VS. : CASE NO:

TRIDENT SEAFOOD COMPANY :

DEFENDANT :

CERTIFICATE OF SERVICE

I hereby certify that the accompanying Complaint At Law And In Equity has been served upon the following Defendants via first class certified mail on this 15th date of October 2020:

Dated: October 15, 2020 Respectfully Submitted,

IN THE UNITED STATES DISTRICT COURT

IN THE WESTERN DISTRICT OF WASHINGTON STATE

TRAVIS GLENN _____:

PLAINTIFF _____:

VS. _____: CASE NO:

TRIDENT SEAFOOD COMPANY _____:

DEFENDANT _____:

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE COUNTY BAR ASSOCIATION
Local Bar Association

/s/ Allen McKenzie
Allen McKenzie WSBA #48703
Attorney for the Plaintiff